

Vol M03 Page 01839

RECOPING COVER SHEET FOR
NOTICE OF SALE PROOF OF
COMPLIANCE
Per ORS 205.234

State of Oregon, County of Klamath
Recorded 01/10/2003 1:34 pm.
Vol M03 Pg 1839-1848
Linda Smith, County Clerk
Fee \$ 81.00 # of Pgs 10

AFTER RECORDING RETURN TO:

Attorneys Equity National Corporation
23721 Birtcher Drive
Lake Forest, CA. 92630
TS#: 56539-F

1. TRUSTEE'S NOTICE OF SALE
2. AFFIDAVIT OF MAILING NOTICE OF SALE
3. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
4. PROOF OF SERVICE

Original Grantor on Trust Deed: ROBERT GARDNER AND JERRI GARDNER, HUSBAND AND WIFE

Beneficiary: **BANK ONE, NATIONAL ASSOCIATION, AS TRUSTEE BY
RESIDENTIAL FUNDING CORPORATION, ITS ***

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY
ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

NOTICE OF TRUSTEE'S SALE

Reference is made to that certain Trust Deed made by ROBERT GARDNER AND JERRI GARDNER, HUSBAND AND WIFE, as grantor(s), to FIRST AMERICAN TITLE INSURANCE CO., as Trustee in favor of HERITAGE MORTGAGE CORPORATION, AN OREGON CORPORATION, as beneficiary, dated April 8, 1999, recorded April 14, 1999 in the Records of KLAMATH County, Oregon, in Book/Reel/Volume/No. ---- at Page ----, and/or as Fee/File/Instrument/Microfilm/Reception No. ~~X~~ covering the following described real property situated in the above-mentioned county and state, to-wit:

*BOOK M99, PAGE 14336
 LOT 1, BLOCK 6, RIVER PINE ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON
 FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Parcel Number: R132109

Although the undersigned Trustee disclaims any liability for any incorrectness herein, the street address or other common designation, if any, of the real property described herein is purported to be:

1145 RECTOR DRIVE
 LAPINE, OR 977390000

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735 (3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's failure to pay the monthly payments in the amount of \$727.38 due beginning July 1, 2002 and monthly late charges in the amount of \$58.19 and subsequent installments due thereafter, together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust. Trustee's fees and other costs and expenses associated with this foreclosure and any further breach of any term or condition in subject note and deed of trust.

By reason of said default, the beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

1. Principal of \$78,750.00 and accruing interest as of June 1, 2002 at the rate of 11% per annum from June 1, 2002 until paid.
2. \$116.38 in late charges plus future charges.

NOTICE OF TRUSTEE'S SALE

Trustee Sale Number: 56539-F

Loan Number: 800707580

TSG Number: 2410416

Recording Requested by

And when recorded mail to:

FIDELITY NATIONAL TITLE INSURANCE COMPANY

c/o Attorneys Equity National Corporation

23721 Birtcher Drive

Lake Forest, CA 92630

(503) 887-3020

3. Together with title expenses, costs, trustee's fees, attorney fees, and any other cost advances made by beneficiary to protect its interest in the said property pursuant to the terms of said Trust Deed.

Whereof, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, c/o Attorneys Equity National Corporation, the undersigned trustee will on January 27, 2003 at the hour of 10:00 AM, as established by Section 187.110, Oregon Revised Statutes, at the following location: AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE 316 MAIN ST. KLAMATH FALLS, OR., State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

Notice is hereby given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

NOTICE OF TRUSTEE'S SALE

Trustee Sale Number: 56539-F
Loan Number: 800707580
TSG Number: 2410416

Recording Requested by
And when recorded mail to:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
c/o Attorneys Equity National Corporation
23721 Birtcher Drive
Lake Forest, CA 92630
(503) 887-3020

The right under ORS 86.753 to have the proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in the notice of default, at any time prior to five days before the date last set for the sale.

September 12, 2002

FIDELITY NATIONAL TITLE INSURANCE COMPANY


By: Attorneys Equity National Corporation, as Agent
Charles Alderman, III, Vice President

State of California

County of Orange

On this 12 day of Sept 02 before me, Angela Turkich, a Notary Public in and for said county and state, personally appeared Charles Alderman III, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same.

WITNESS my hand and official seal.


Notary public in and for said County and State



NOTICE OF TRUSTEE'S SALE

Trustee Sale Number: 56539-F
Loan Number: 800707580
TSG Number: 2410416

Recording Requested by
And when recorded mail to:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
c/o Attorneys Equity National Corporation
23721 Birtcher Drive
Lake Forest, CA 92630
(503) 887-3020

01843

A F F I D A V I T O F M A I L I N G

STATE OF CALIFORNIA]
COUNTY OF ORANGE]

Trustee Sale Number: 56539-F

JENNIFER RIEDEL of Attorneys Equity National Corporation being duly sworn, and deposes says:
That he/she is over the age of eighteen years;
That on 09/26/02 by certified mail properly enclosed in a sealed envelope with the prepaid postage thereon, he/she deposited in the United States Post Office at Lake Forest, CA, a true and correct copy of the referenced Notice of Default & Notice of Trustee's Sale addressed to the following:

Cert#: 7002 0510 0002 0661 3973
& Regular Mail

ROBERT GARDNER
1145 RECTOR DRIVE
LAPINE, OR 97739
ROBERT GARDNER
1145 RECTOR DRIVE
LAPINE, OR 97739-0000
JERRI GARDNER
1145 RECTOR DRIVE
LAPINE, OR 97739
JERRI GARDNER
1145 RECTOR DRIVE
LAPINE, OR 97739-0000
ROBERT GARDNER
1145 RECTOR DRIVE
LAPINE, OR 97739-0000
JERRI GARDNER
1145 RECTOR DRIVE
LAPINE, OR 97739-0000

Cert#: 7002 0510 0002 0661 3980
& Regular Mail

Cert#: 7002 0510 0002 0661 3997
& Regular Mail

Cert#: 7002 0510 0002 0661 4000
& Regular Mail

Cert#: 7002 0510 0002 0661 4017
& Regular Mail

Cert#: 7002 0510 0002 0661 4024
& Regular Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: 09/26/02


x _____

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

Postage
Certified Fee
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees

Postmark Here

SEP
26
2002
USPS
\$ 4.05

Sent To
Street, Apt. No.;
or PO Box No.
City, State, ZIP+4

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

4000 1990 2000 0510 0002 7002

OFFICIAL USE

Postage
Certified Mail
Return Receipt Fee
(Endorsement Required)

26
2002
92830
SPS

Postmark
Here

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees
\$ 4.05

Sent To
Street, Apt. No.;
or PO Box No.
City, State, ZIP+4

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	4.05
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		\$4.05

Postmark Here

26 2002
USPS
FOREST CA 92630

Sent To
Street, Apt. No.;
or PO Box No.
City, State, ZIP+4

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance. Coverage Provided)

OFFICIAL USE

Postage \$26
Certified Fee \$20
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)

Postmark
Here

Total Postage & Fees \$4.05

3973 0991 0002 0510 7002

Sent To
Street, Apt. No.:
or PO Box No.
City, State, ZIP+4

01845

STATE OF CALIFORNIA
COUNTY OF ORANGE

ON SEPTEMBER 26 2002 BEFORE ME, ANGELA TURKICH
PERSONALLY APPEARED JENNIFER RIEDEL
PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF
SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S)
IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR
AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR
SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY
UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE
INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE

 (SEAL)



182343

56539-F

AFFIDAVIT OF SERVICE

TRUSTEE'S NOTICE OF SALE

Case Number: 56539-F

01846

Beneficiary:
HERITAGE MORTGAGE CORPORATION, an Oregon Corporation,

vs.

Grantor(s):
ROBERT GARDNER & JERRI GARDNER,

For:
Attorneys Equity National Corporation
23721 Bircher Drive
Lake Forest, CA 92630

Received by Capitol Investigation Company (Bend) on the 15th day of September, 2002 at 11:56 am to be served on
OCCUPANT(S), 1145 Rector Drive, La Pine OR 97739.

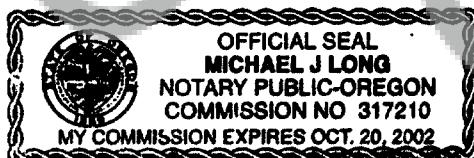
I, Jared Butler, being duly sworn, depose and say that on the 17th day of September, 2002 at 7:40 pm, I:

Did **PERSONALLY SERVE** true copies of the within **TRUSTEE'S NOTICE OF SALE** by delivering said copies personally and in person, to **ROBERT GARDNER** at the aforementioned address and at the same time I did **SUBSTITUTE SERVE ALL OTHER OCCUPANTS** by delivering a true copy to the above named, and informing said person of the contents thereof. Said person is 14 years of age or older, and is a co-occupant of the dwelling house or usual place of abode.

CERTIFICATE OF MAILING: I hereby certify that on September 18, 2002, I did cause to be **MAILED**, a copy of the aforementioned documents together with this statement of the date, time, place and person to which **SUBSTITUTED SERVICE** was made at the above address.

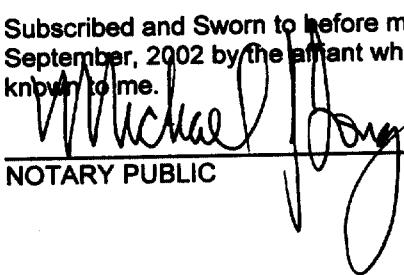
(If mailed by other than server _____)

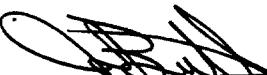
I further certify that I am a competent person over the age of 18 and a resident of the state of Oregon, and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise: that the person served by me is the identical person named in the action. I also declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service including service fees is true and correct.




Jared Butler
Process Server

Subscribed and Sworn to before me on the 18th day of September, 2002 by the affiant who is personally known to me.


NOTARY PUBLIC


Capitol Investigation Company (Bend)
P.O. Box 3225
Portland, OR 97208
(503) 284-8888

Our Job Serial Number: 2002003238
Ref: 02-xxxx-M

Affidavit of Publication

01847

STATE OF OREGON,
COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state: that the

Legal # 5262

Notice of Sale/Gardner

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)

Four

Insertion(s) in the following issues:
October 18, 25, November 1, 8, 2002

Total

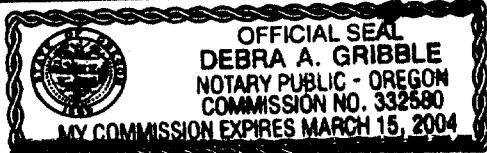
Larry L. Wells

Subscribed and sworn
before me on: November 8, 2002

Debra A. Snibble

Notary Public of Oregon

My commission expires March 15, 2004



NOTICE OF
TRUSTEE'S SALE
Trustee's Sale No.:
56539-~~RECEIVED NOV 10 2002~~
0007/500, TSG No.:
2410416.

Reference is made to that certain Trust Deed, made by ROBERT GARDNER and MERRIGARDNER, husband and wife, as grantor(s), to FIRST AMERICAN TITLE INSURANCE CO., as Trustee in favor of HERITAGE MORTGAGE CORPORATION, AN OREGON CORPORATION, as beneficiary, dated April 18, 1999, record-
ed April 24, 1999, in the County of KLAMATH, Oregon, in Book/Reel/Volume/No. at Page(s) and/or as File/File/Instrument/Microfilm/Re-
ception No. Book M99, Page 14336, covering the following described real property, situated in the above mentioned county and state, to-wit: 913 2nd Street, Lot 1, Block 6, River Point Estates, according to the official plan thereof on file in the office of the County Clerk of Klamath County, Oregon, Parcel Number 0132109.

Although the undersigned Trustee disclaims any liability for any inaccuracy herein, the street address or any other common designation of any of the real property described herein is also purposed to be: 1145 Rector Drive, Lapeer, OR 97739, or 0000, at 913 2nd Street, Lot 1, Block 6, River Point Estates, according to the official plan thereof on file in the office of the County Clerk of Klamath County, Oregon, Parcel Number 0132109.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by the said trust deed and no notice has been recorded pursuant to

Section 86.735(3) of Oregon Revised Statutes, at the following location: at the main entrance to the County Court house, 316 Main St., Klamath Falls, OR, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

Notice is hereby given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.715 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensation of the trustee as provided by law and the reasonable fees of the trustee's attorney.

In construing this

